

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

April 24, 2009

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

PSF No.: 08HD-071

HAWAII

Extension of Approval in Principle of Direct Lease to United States of America, Department of Agriculture for Research, Educational and Housing Facilities Purposes at Laupahoehoe, Hawaii, Tax Map Key: (3) 3-6-6:portion of 46

BACKGROUND:

The Land Board at its meeting of April 25, 2008 under agenda Item D-9, granted approval in principle of a lease to the United States of America, Department of Agriculture to comply with Chapter 343, Hawaii Revised Statutes, as amended. One of the conditions placed by the Land Board was that should the United States of America, Department of Agriculture fail to obtain satisfactory compliance with Chapter 343, Hawaii Revised Statutes, as amended, within twelve (12) months, the Land Board's approval shall be rescinded. (Exhibit A)

By letter dated April 13, 2009, Mr. J. Boone Kauffman, PhD, Research Biologist and Institute Director is respectfully requesting additional time up to July 28, 2009, to complete the Chapter 343, NEPA compliance and County of Hawaii subdivision process.

Staff has no objections to the request and recommend the extension should be to December 31, 2009. This would provide a cushion for the Institute of Pacific Islands Forestry in the event there are other unforeseen delays.

RECOMMENDATION: That the Board:

1. Grant United States of America, Department of Agriculture until December 31, 2009 to obtain satisfactory compliance with Chapter 343, Hawaii Revised Statutes, as amended and complete the subdivision of the 20-acre parcel.
2. All terms and conditions listed in its April 25, 2008 approval to remain the same.

April 24, 2009

Respectfully Submitted,



Charlene E. Unoki  
Assistant Administrator

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson



B-9  
08HD-071

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
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April 25, 2008

Board of Land and Natural Resources  
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HAWAII

Approval in Principle of Direct Lease to United States of America, Department of Agriculture for Research, Educational and Housing Facilities Purposes at Laupahoehoe, Hawaii, Tax Map Key: (3) 3-6-6:portion of 46

APPLICANT:

United States of America, Department of Agriculture, acting by and through the Administrator, Agricultural Research Service, whose business and mailing address is 60 Nowelo Street, Hilo, Hawaii 96720.

LEGAL REFERENCE:

Section 171-95(a)(2), Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands situated at Laupahoehoe, North Hilo, Hawaii, identified by Tax Map Key: (3) 3-6-6:portion of 46, as shown on the attached map labeled Exhibit A.

AREA:

20.00 acres, more or less.

ZONING:

State Land Use District: Agriculture  
County of Hawaii CZO: A-20A

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act  
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Encumbered by General Lease No. S-5320, Peter Jose and Richard Jose, Lessee, for pasture purposes. Lease to expire on June 29,

APPROVED BY THE BOARD OF  
LAND AND NATURAL RESOURCES  
AT ITS MEETING HELD ON

April 25, 2008

**EXHIBIT "A"**

D-9

2028

CHARACTER OF USE:

Research, Educational and Housing Facilities Purposes

LEASE TERM:

Sixty-five (65) years.

COMMENCEMENT DATE:

The first day of the month to be determined by the Chairperson.

ANNUAL RENT:

Gratis.

PROPERTY CHARACTERISTICS:

Utilities - not available

Slope - gently sloping to steep

Elevation - 1,000 to 4,500 feet

Rainfall - 150 inches to 300 inches

SCS Soil Series - Akaka Series consists of moderately well drained silty clay loams that formed in volcanic ash.

Land Study Bureau -

Legal access to property - Staff has verified that there is legal access to the property off of Old Waipunalei Road.

Subdivision - Staff has verified that the subject property is a legally subdivided lot.

Encumbrances - Staff has verified that the following encumbrances exist on the property: None

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This is a request for the Land Board's approval in principle of a lease to the United States of America, Department of Agriculture and authorization for the United States of America, Department of Agriculture to comply with Chapter 343, Hawaii Revised Statutes, as amended.

DCCA VERIFICATION:

Not applicable. Government agency.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Prepare and process, at its own cost, all necessary studies

- and documentation for compliance with Chapter 343, Hawaii Revised Statutes, as amended;
- 2) Process and obtain subdivision at Applicant's own cost; and
  - 3) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.

BACKGROUND:

General Lease No. S-5320 was issued to Richard Jose under Act 237, Session Laws of Hawaii 1988. The Act gave the Department authority to convert month-to-month agricultural revocable permits to long-term leases.

At its meeting of February 10, 1995, under agenda Item F-1-d, the Board consented to the assignment of General Lease No. S-5320 from Richard Jose to Peter Jose and Richard Jose.

The Land Board at its meeting of March 28, 2008, under agenda Item D-6, approved to recommend to the Governor a set aside covering 110.00 acres to the Department of Land & Natural Resources, Division of Forestry & Wildlife for addition to Hilo Forest Reserve purposes.

ANALYSIS:

On March 23, 2007, the Hawaii Experimental Tropical Forest (HETF) was established. The HETF includes parts of the Laupahoehoe Natural Area Reserve (NAR). In support of the HETF, the Division of Forestry and Wildlife (DOFAW) cooperatively with the United States of America, Department of Agriculture, Forest Service would like to establish a research, educational, and housing facilities (research station) to support the work to be done at the HETF on the twenty (20) acres of land under the General Lease No. S-5320 that are adjacent to the Laupahoehoe NAR.

The Lessee has been contacted and the parties are working on the configuration of the proposed research station.

The Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions. The Applicant has another State lease - General Lease No. S-5649. The 30 acres site in Hilo is near the UH Hilo Campus Technology Park and contains buildings for research, outreach, and education/training.

If Land Board approval in principal is obtained, the United States of America, Department of Agriculture will pursue compliance with Chapter 343, Hawaii Revised Statutes, as amended and incorporate agency and community comments.

Staff is recommending the issuance of a right-of-entry permit. This will allow the United States of America, Department of Agriculture and their consultants to conduct the necessary field studies, surveys, and subdivision of the subject 20 acre property.

DOFAW has indicated that it would assume management of the new lease.

There are two (2) issues that will be addressed in the final approval for the issuance of the lease. Prior to the execution of General Lease No. S-5649, the United States of America, Department of Agriculture requested the Land Board to waive its mineral rights pursuant to Section 182-2, HRS. The Land Board would have to make a finding that the proposed use is of greater benefit to the State of Hawaii than mining after holding the required public hearing. The 20 acres will need to be withdrawn from General Lease No. S-5320.

RECOMMENDATION: That the Board:

1. Approve in principle, a new direct lease to the United States of America, Department of Agriculture, subject to the following:
  - A. At its own cost United States of America, Department of Agriculture shall pursue satisfactory compliance with Chapter 343, Hawaii Revised Statutes, as amended, and obtain a finding of no significant impact (FONSI) within twelve (12) months of the Land Board's approval;
  - B. Should United States of America, Department of Agriculture fail to obtain satisfactory compliance with Chapter 343, Hawaii Revised Statutes, as amended, within twelve (12) months, the Land Board's approval shall be considered rescinded;
  - C. United States of America, Department of Agriculture acknowledges the following:
    - i) All costs associated with the necessary compliance with Chapter 343, Hawaii Revised Statutes, as amended, shall be borne by the United States of America, Department of Agriculture;
    - ii) All costs associated with the subdivision of the 20 acres, shall be borne by the United States of America, Department of Agriculture; and
    - iii) That this action is an approval in principle and does not provide any assurance of a direct lease and such approval of a direct lease shall be subject to consideration by the Land Board under a separate action after satisfactorily complying with Chapter 343, Hawaii Revised Statutes, as amended.
  - D. Authorize the United States of America, Department of Agriculture to act as agent of the landowner, State of Hawaii to process the subdivision of the subject 20 acres.

April 25, 2008

- E. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
- 2. Authorize the issuance of a right-of-entry permit to United States of America, Department of Agriculture covering the subject area, which are by this reference incorporated herein and further subject to the following:
  - A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time; and
  - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Charlene E. Unoki  
Assistant Administrator

APPROVED FOR SUBMITTAL:

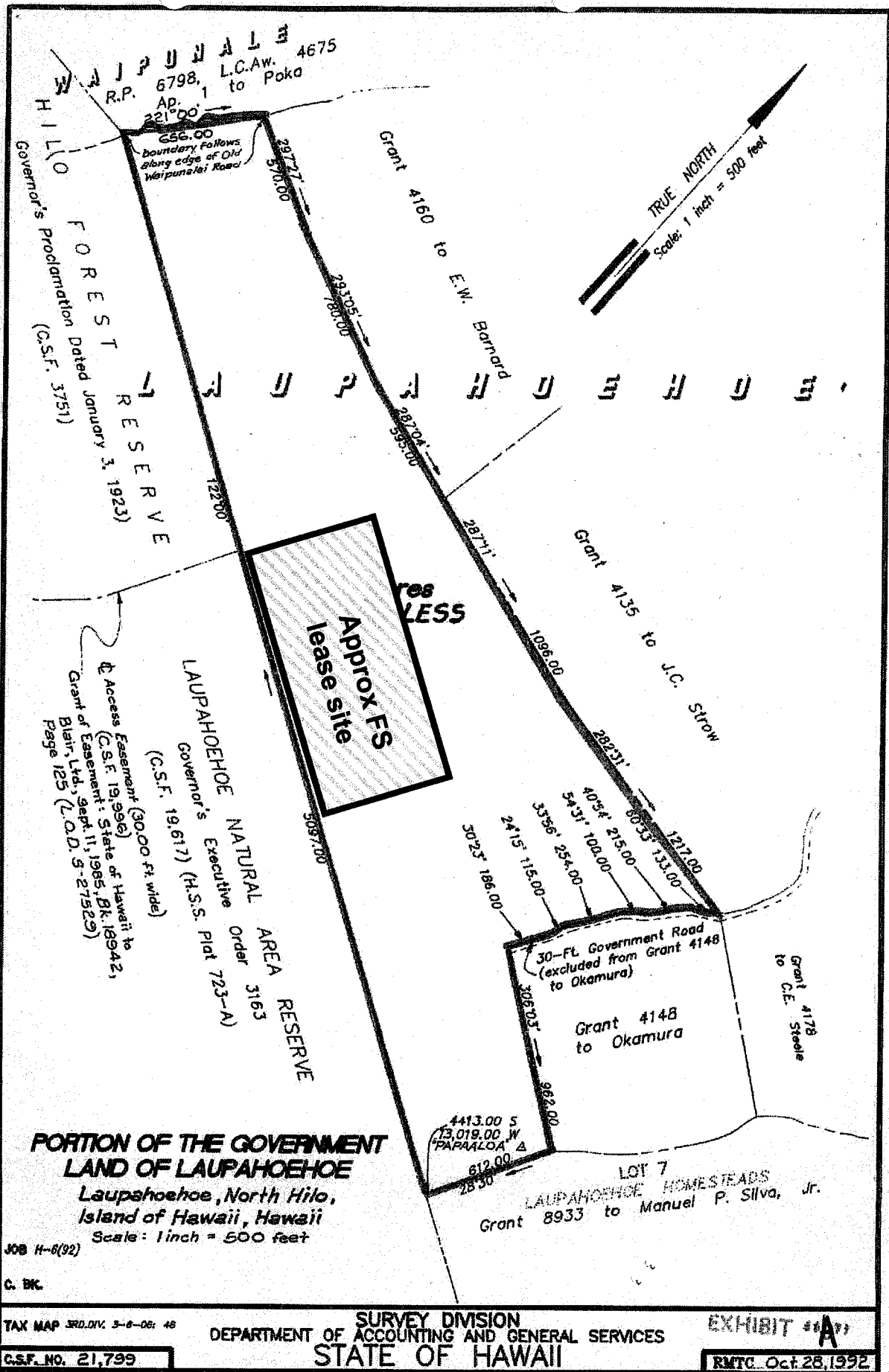


Laura H. Thielen, Chairperson

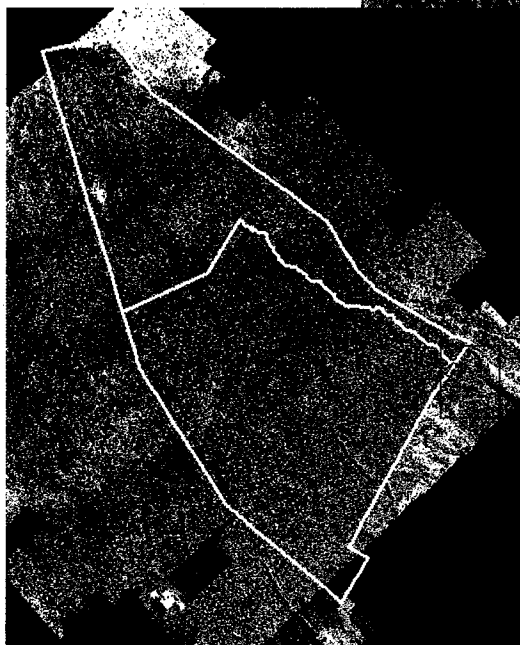








Approximate location of the proposed 20 acre lease site to the US Forest Service. The Blue line is Blair road. The white line is the boundary between the DOFAW (HETF) and the current Jose lease.





United States  
Department of  
Agriculture

Forest  
Service

Pacific  
Southwest  
Research  
Station

Institute of Pacific Islands Forestry  
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Hilo, HI 96720  
(808) 933-8121 Fax: (808) 933-8120

RECEIVED  
LAND DIVISION

File Code: 1560

Date: 2009 April 13, 2009  
2009 APR 14 A 10:24

DEPT. OF LAND &  
NATURAL RESOURCES  
STATE OF HAWAII

Ms. Charlene E. Unoki  
Assistant Administrator  
Land Division  
Department of Land and Natural Resources  
P.O. Box 621  
Honolulu, Hawaii 96809

Ref. No.: 08HD-071

Dear Ms. Unoki:

Subject: Request for additional time to complete tasks required under Approval in Principle of Direct Lease to United States of America Department of Agriculture for Research, Educational and Housing Facilities Purposed at Laupahoehoe, Hawaii, Tax Map Key: (3) 3-6-6: Portion of 46

The Institute of Pacific Islands Forestry has made good progress in meeting the requirements toward a new direct lease having completed the cadastral survey, processed the application for subdivision, and at this time has the environmental assessment to meet both Chapter 343 HRS and NEPA compliance in the 30-day comment period. While progress is significant, the completion of the decision document and some requirements for compliance with the County of Hawaii subdivision provisions need additional time to be completed.

We respectfully request an extension of time to complete the stipulations outlined in the Approval in Principle of Direct Lease from the twelve (12) months [ending on 4/28/2009] to fifteen (15 ) months [ending on 7/28/2009]. This will allow us time to complete the processes and time for complete reviews, presentation to the Board, and response/revision as necessary. Thank you for your consideration.

Sincerely,

J. BOONE KAUFFMAN, PhD.  
Research Biologist and Institute Director

EXHIBIT "B"

